

**LEGISLATIVE SERVICES AGENCY  
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

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**FISCAL IMPACT STATEMENT**

**LS 7642**

**BILL NUMBER:** HB 1268

**NOTE PREPARED:** Jan 6, 2003

**BILL AMENDED:**

**SUBJECT:** Presumption Concerning Child Sexual Abuse.

**FIRST AUTHOR:** Rep. Orentlicher

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** X GENERAL  
X DEDICATED  
FEDERAL

**IMPACT:** State & Local

**Summary of Legislation:** The bill establishes a presumption in favor of entering a no contact order: (1) in a child in need of services proceeding; (2) as a condition of bond; or (3) as a condition of probation; for the benefit of each child who resides with a person who commits a sex offense.

**Effective Date:** July 1, 2003.

**Explanation of State Expenditures:** Current law allows for protective orders for children in need of service (CHINs). In addition to a terminology change to a "no-contact" order, the bill would establish criteria for a no-contact order as a condition of bond or probation. To the extent that a no-contact order would be entered concurrent to other proceedings, there would be no fiscal impact. However, a violation of a no-contact order may result in additional court proceedings or a period of incarceration. In addition to revocation of bond or probation for a violation, statute allows for a Class B misdemeanor for invasion of privacy, or a Class A misdemeanor if the offender has a prior conviction.

**Explanation of State Revenues:** If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B misdemeanor is \$1,000 and for a Class A misdemeanor is \$5,000. Criminal fines are deposited in the Common School Fund. If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

**Explanation of Local Expenditures:** A Class B misdemeanor is punishable by up to 180 days in jail and a Class misdemeanor is punishable by up to one year in jail. The average daily cost to incarcerate a prisoner

in a county jail is approximately \$44.

**Explanation of Local Revenues:** If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

**State Agencies Affected:**

**Local Agencies Affected:** Trial courts, local law enforcement agencies.

**Information Sources:**

**Fiscal Analyst:** Karen Firestone, 317-234-2106